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8	UNITED STATES DISTRICT COURT
9	CENTRAL DISTRICT OF CALIFORNIA
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11	LUIS MEJIA, \(\rangle\) Case No. CV 11-4481 SVW (JCG)
12	Petitioner, ORDER ADOPTING REPORT AND
13	v. PECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE AND
14	J. T. OCHOA, Warden, DENYING CERTIFICATE OF APPEALABILITY
15	Respondent.
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18	Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, the records
19	on file, the Report and Recommendation of the United States Magistrate Judge,
20	and Petitioner's Objections. Further, the Court has engaged in a <i>de novo</i> review of
21	those portions of the Report and Recommendation to which Petitioner has
22	objected. See 28 U.S.C. § 636(b)(1)(C).
23	Petitioner's Objections essentially rehash the arguments made in the Petition
24	and are without merit for the reasons stated in the Report and Recommendation.
25	His claim that the Board of Parole Hearings' adverse decision violated substantive
26	due process is foreclosed by Swarthout v. Cooke, in which the Supreme Court
27	explained that when a federal habeas court is reviewing a California parole
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decision, "the only federal right at issue is procedural." 131 S.Ct. 859, 862 (2011). See also Roberts v. Hartley, 640 F.3d 1042, 1046 (9th Cir. 2011) ("[T]here is no substantive due process right created by California's parole scheme. If the state affords the procedural protections required by Greenholtz [v. Inmates of Nebraska Penal and Correctional Complex, 442 U.S. 1 (1979)] and Cooke, that is the end of the matter for purposes of the Due Process Clause."). Petitioner does not contend that he was denied the requisite procedural protections. Thus, because it is clear from the Petition and attachments that Petitioner is not entitled to relief, summary dismissal is appropriate. See Rules Governing § 2254 Cases, Rule 4, 28 U.S.C. foll. § 2254.

Accordingly, IT IS ORDERED THAT:

- 1. The Report and Recommendation is approved and adopted.
- 2. Judgment be entered dismissing this action with prejudice.
- 3. The Clerk serve copies of this Order and the Judgment on the parties.

Additionally, for the reasons stated in the Report and Recommendation, the Court finds that Petitioner has not made a substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b); *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003). Thus, the Court declines to issue a certificate of appealability.

22 DATED: April 24, 2012

HON. STEPHEN V. WILSON UNITED STATES DISTRICT JUDGE